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Hon. William F. Kuntz II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Bumagin*
11 Cr. 800

Dear Judge Kuntz:

This letter is submitted to renew the defense motion to dismiss the indictment or release the defendant, including, without limitation, the argument that the operative statute, 18 U.S.C. § 4241, is unconstitutional as applied in this case. *See docket entry nos. 79* (initial motion) *and 185* (first renewal, adding cruel and unusual punishment claim). The basis for the instant renewal is that the recent denial of the defense petition for certiorari by the United States Supreme Court, and the underlying Second Circuit dismissal, further establish the unavailability of any mechanism for the defense to pursue administration of justice in accordance with the Constitution.

The defense maintains the position that, in light of the record, additional evaluation pursuant to § 4241 is medically inappropriate. *See generally Sell v. United States*, 539 U.S. 166 (2010) (acknowledging appealability of forced medication order and recognizing question of medical appropriateness as one factor for analysis).

Sincerely,

s/
Zoë Dolan

Cc: All counsel via ECF